federal register

Friday
January 10, 1992

Part II

Department of Education

34 CFR Part 298

Federal, State, and Local Partnership for Educational Improvement; Final rule

DEPARTMENT OF EDUCATION

34 CFR Part 298

RIN 1810-AA60

Federal, State, and Local Partnership for Educational Improvement

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing chapter 2 of title I of the Elementary and Secondary Education Act of 1965, as amended. These regulations implement an amendment to chapter 2 (contained in the National Literacy Act of 1991) that authorizes training programs for teachers and school counselors to identify, particularly in the early grades, students who may be at risk of illiteracy in the adult years.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person. A document announcing the effective date will be published in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Lee E. Wickline, Director, School Effectiveness Division, School Improvement Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., (room 2040), Washington, DC 20202-6140. Telephone: (202) 401-1062. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1-800-877-8339 (in the Washington, DC 202 area code, telephone 708-9300) between 8 a.m. and 7 p.m., Eastern time.

SUPPLEMENTARY INFORMATION: In the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, P.L. 100-297, Congress enacted chapter 2 of title I of the Elementary and Secondary Education Act of 1965, entitled "Federal, State, and Local Partnership for Educational Improvement." To make chapter 2 a vehicle for school improvement, with an "identifiable theme of improving quality and promoting innovation" (see H.R. Rep. No. 95, 100th Cong., 1st Sess. 50 (1987)), Congress identified six broad purposes for which Chapter 2 funds may be targeted: Programs for at-risk students; acquisition and use of instructional materials; schoolwide improvement and effective schools programs; training and professional development for educational personnel; programs to enhance the personal excellence of students and student achievement; and innovative projects to enhance the educational program and climate of the school.

In section 302 of the National Literacy Act of 1991, Public Law 102-73, Congress amended section 1531(b) of chapter 2 (20 U.S.C. 2941) to add a seventh purpose for which chapter 2 funds may now be targeted: Training programs to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students who may be at risk of illiteracy in their adult years. Subject to the requirement to target funds on one or more of the seven areas, State and local educational agencies retain the flexibility to decide how to use their chapter 2 funds. The final regulations in this document amend § 298.12(a) of the chapter 2 regulations to incorporate this statutory change.

This statutory and regulatory change authorizes activities that can help foster the aims of AMERICA 2000, the President's strategy to help America move itself toward the six National Education Goals.

Specifically, local educational agencies that choose to use their funds for this newly authorized purpose will be working toward fulfillment of:

- Goal 2, by identifying students with reading difficulties early, thus reducing the risk that they will drop out before completing high school;
- Goal 3, by ensuring that all children are equipped with the reading skills they need to help them leave grades four, eight, and twelve having demonstrated competency in challenging subject matter; and
- Goal 5, by helping all children grow up to be literate adults who possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. Because these regulations merely incorporate a statutory change, however, public comment could have no effect. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations will not have a significant economic impact on a substantial number of small entities. The small entities that would be affected by these regulations are small local educational agencies (LEAs) receiving Federal funds under this program. However, the regulations would not have a significant economic impact on the small LEAs affected because the regulations merely incorporate a statutory change and do not impose excessive burdens or require unnecessary Federal supervision.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in this order.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

List of Subjects in 34 CFR Part 298

Administrative practice and procedure, Education, Elementary and Secondary Education, Grant programs-education, Private schools, Reporting and recordkeeping requirements, State administered programs.

(Catalog of Federal Domestic Assistance Number 84.151, Federal, State, and Local Partnership for Educational Improvement)

Dated: December 23, 1991.

Lamar Alexander,

Secretary of Education.

The Secretary amends part 298 of title 34 of the Code of Federal Regulations as follows:

PART 298—FEDERAL, STATE, AND LOCAL PARTNERSHIP FOR EDUCATIONAL IMPROVEMENT

1. The authority citation for part 298 continues to read as follows:

Authority: 20 U.S.C. 2911-2952, 2971-2976, unless otherwise noted.

2. Section 298.12 is amended by redesignating paragraphs (a) (5) and (6) as paragraphs (a) (6) and (7), respectively, and adding a new paragraph (a)(5) to read as follows:

§ 298.12 Targeted assistance programs.

(a) * * *

(5) Programs of training to enhance the ability of teachers and school counselors to identify, particularly in the

early grades, students with reading and reading-related problems that place those students at risk for illiteracy in their adult years.

* * * * *

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Reader Aids

Federal Register

Vol. 57, No. 7

Friday, January 10, 1992

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202-523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3447
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-172.....2
173-328.....3
329-516.....6
517-600.....7
601-754.....8
755-1068.....9
1068-1210.....10

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Administrative Orders:

Memorandums:

December 27, 1991..... 1069

Presidential Determinations:

No. 92-9 of December 16, 1991.....329

No. 92-10 of December 30, 1991.....1071

Executive Orders:

12514 (Revoked by EO 12787).....517

12787.....517

5 CFR

2636.....601

Proposed Rules:

831.....118
838.....118
841.....118
842.....118
843.....118

7 CFR

301.....519
319.....331
321.....331
354.....755
458.....173
905.....334
907.....336
982.....1073
1001.....173
1004.....173
1124.....173
1530.....175
1710.....1044
1866.....774
1951.....774
1965.....774

Proposed Rules:

319.....217, 846
401.....1116
925.....219
1007.....220
1001.....15, 383
1002.....383
1004.....15, 383
1005.....383
1007.....383
1011.....383
1012.....383
1013.....383
1030.....383
1032.....383
1033.....383
1036.....383
1040.....383
1044.....383
1046.....383
1049.....383
1050.....383
1064.....383
1068.....383
1075.....383
1076.....383
1079.....383
1093.....383
1096.....383
1097.....383
1098.....383
1099.....383
1106.....221, 383
1108.....383
1124.....15, 383
1126.....383
1131.....383
1134.....383
1135.....383
1137.....383
1138.....383
1139.....383

8 CFR

214.....749

9 CFR

82.....776
130.....755

10 CFR

600.....1

Proposed Rules:

11.....222
19.....222
20.....222
21.....222
25.....222
26.....222
30.....222
31.....222
32.....222
33.....222
34.....222
35.....222
39.....222
40.....222
50.....222, 537
52.....222, 537
53.....222
54.....222
55.....222
60.....222
61.....222
70.....222
71.....222
72.....222
73.....222
74.....222
75.....222
95.....222
110.....222

140 ... 222
150 ... 222
170 ... 847
171 ... 847
455 ... 432
820 ... 855
830 ... 855
835 ... 855

12 CFR

201 ... 176
208 ... 6
225 ... 6
226 ... 81, 749
747 ... 522
900 ... 749
932 ... 81

13 CFR

101 ... 524

Proposed Rules:

121 ... 541

14 CFR

21 ... 6, 338, 602
25 ... 6, 338, 602
39 ... 177–182, 605, 606, 779–792, 1075, 1076
71 ... 166, 340
75 ... 341
91 ... 328
97 ... 1077, 1080

Proposed Rules:

Ch. I ... 236, 383
39 ... 18–21, 237, 649–656, 855–857, 1120, 1126

15 CFR

770 ... 8
778 ... 8
785 ... 8

Proposed Rules:

303 ... 384

17 CFR

240 ... 1082, 1096
270 ... 1096

Proposed Rules:

240 ... 1128

18 CFR

2 ... 794
37 ... 802
154 ... 794
157 ... 794
250 ... 9
284 ... 794
375 ... 794
380 ... 794

19 CFR

24 ... 607
101 ... 609

Proposed Rules:

353 ... 1131
355 ... 1131

20 CFR

335 ... 806
401 ... 956
655 ... 182

21 CFR

177 ... 183
558 ... 524

Proposed Rules:

5 ... 239
20 ... 239
100 ... 239
101 ... 239
102 ... 239
105 ... 239
130 ... 239
333 ... 858
369 ... 858

22 CFR

41 ... 341

Proposed Rules:

514 ... 859

23 CFR

655 ... 1134

24 CFR

201 ... 610

Proposed Rules:

570 ... 322
577 ... 466
578 ... 466
3282 ... 241

26 CFR

1 ... 343
301 ... 12
602 ... 12

Proposed Rules:

1 ... 658, 859, 860
301 ... 658

27 CFR

178 ... 1205

28 CFR

Proposed Rules:

50 ... 862
80 ... 862

29 CFR

506 ... 182
510 ... 611, 1102

Proposed Rules:

1910 ... 387
1915 ... 387
1926 ... 387

30 CFR

920 ... 1104
934 ... 807

Proposed Rules:

58 ... 500
72 ... 500
206 ... 865
914 ... 543
943 ... 1136
950 ... 1137

31 CFR

550 ... 525

32 CFR

583 ... 525

33 CFR

165 ... 347, 1106, 1108

Proposed Rules:

117 ... 1138
155 ... 1139
165 ... 1141

34 CFR

298 ... 1207

Proposed Rules:

81 ... 506

36 CFR

242 ... 349

38 CFR

36 ... 827

Proposed Rules:

21 ... 865

40 CFR

52 ... 351, 354
146 ... 1109
180 ... 646
261 ... 12
281 ... 186
300 ... 355

Proposed Rules:

52 ... 23, 24
148 ... 958
260 ... 958
261 ... 958
262 ... 958
264 ... 958
265 ... 958
268 ... 958
270 ... 958
271 ... 958

41 CFR

60–250 ... 498
302–11 ... 1112

44 CFR

64 ... 356, 358
65 ... 360, 361
67 ... 525

45 CFR

235 ... 1204
400 ... 1114

46 CFR

28 ... 363

Proposed Rules:

35 ... 514

47 CFR

1 ... 186
22 ... 829, 830
43 ... 646
63 ... 646
73 ... 188, 189, 831
76 ... 189

Proposed Rules:

73 ... 242, 866–868
76 ... 868

48 CFR

249 ... 533
525 ... 648
1801 ... 831
1806 ... 831
1807 ... 831
1812 ... 831
1815 ... 831
1816 ... 831
1823 ... 831
1825 ... 831
1830 ... 831
1831 ... 831
1832 ... 831
1842 ... 831
1844 ... 831
1852 ... 831
1853 ... 831

49 CFR

107 ... 364
180 ... 364

Proposed Rules:

571 ... 242, 252, 870

50 CFR

17 ... 588
100 ... 349
285 ... 365
Ch. VI ... 375
601 ... 375
605 ... 375
611 ... 534
652 ... 844
655 ... 534
672 ... 381
675 ... 381

Proposed Rules:

17 ... 35, 212, 544–548, 596, 658, 659
301 ... 390
625 ... 213
649 ... 214
675 ... 215

Proposed Rules:

23 ... 262

LIST OF PUBLIC LAWS

Note: The List of Public Laws for the first session of the 102d Congress has been completed and will be resumed when bills are enacted into public law during the second session of the 102d Congress, which convenes on January 3, 1992. A cumulative list of Public Laws for the first session was published in Part II of the **Federal Register** on January 2, 1992.